No. 669.

669.

FILED
MAY 13 1901
JAMES H. McKENNEY,
Clerk.

Record for mb. to vacate &c.

Filed May 13, 1901.

Supreme Court of the United States.

OCTOBER TERM, A. D. 1900.

THE LAKE STREET ELEVATED RAILROAD COMPANY, *Plaintiff in Error,* vs. THE FARMERS' LOAN AND TRUST COMPANY et al., *Defendants in Error.*	Writ of Error to Supreme Court of Illinois.

PRINTED RECORD FOR MOTIONS TO VACATE SUPERSEDEAS, DISMISS, &c.

HERBERT B. TURNER,
WILLIAM BURRY,
Solicitors for The Farmers' Loan and Trust Company, Defendants in Error.

The Standard Printing Company, 29 Jackson St., Chicago.

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IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1900.

THE LAKE STREET ELEVATED RAILROAD COMPANY, *Plaintiff in Error,* vs. THE FARMERS' LOAN AND TRUST COMPANY et al., *Defendants in Error.*	Writ of Error to Supreme Court of Illinois.

EXTRACTS FROM TRANSCRIPT OF RECORD, FOR CONSIDERATION ON MOTIONS.

MANDATE FROM THE SUPREME COURT OF THE UNITED STATES TO THE SUPREME COURT OF ILLINOIS.

UNITED STATES OF AMERICA } ss.

[Seal of Supreme Court of United States.]

The President of the United States of America, to the Honorable Judges of the Supreme Court of the State of Illinois, Greeting:

Whereas, lately in the Supreme Court of the State of Illinois, before you, or some of you, in a cause between

the Farmers' Loan and Trust Company, appellant, and the Lake Street Elevated Railroad Company, the American Trust and Savings Bank, and the Northern Trust Company, appellees, No 4,516, wherein the judgment of the said Supreme Court, entered in said cause on the 18th day of June, A. D. 1898, is in the following words, viz:

"And now, on this day, this cause having been argued by counsel, and the court having diligently examined and inspected as well the record and proceedings aforesaid as the matters and things therein assigned for error, and being now sufficiently advised of and concerning the premises, for that it appears to the court now here that neither in the record and proceedings aforesaid nor in the rendition of the judgment aforesaid is there anything erroneous, vicious or defective, and that in that record there is no error, therefore it is considered by the court that the judgment aforesaid be affirmed in all things and stand in full force and effect, notwithstanding the said matters and things therein assigned for error; and it is further considered by the court that the said appellees recover of and from the said appellant their costs by them in this behalf expended, and that they have execution therefor," as by the inspection of the transcript of the record of the said Supreme Court, which was brought into the Supreme Court of the United States by virtue of a writ of error, agreeable to the act of Congress, in such case made and provided, fully and at large appears.

And whereas, in the present term of October, in the year of our Lord one thousand eight hundred and ninety-nine, the said cause came on to be heard before the Supreme Court of the United States on the said transcript of record, and was argued by counsel:

On reconsideration whereof, it is now here ordered and adjudged by this court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs; and that the said appellant, the Farmers' Loan and Trust Company, recover against the said appellees one thousand one hundred and ninety-three dollars and forty-five cents for its costs herein expended and have execution therefor.

And it is further ordered that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

March 26, 1900.

And the same is hereby remanded to you, the said judges of the said Supreme Court of the State of Illinois, in order that said execution and further proceedings may be had in said cause, in conformity with the judgment and decree of this court above stated, as according to right and justice, and the Constitution and laws of the United States, ought to be had therein, the said writ of error notwithstanding.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, the second day of May, in the year of our Lord one thousand nine hundred.

Costs of Appellant.—

Clerk.....	$ 484.95
Printing Record	688.50
Attorney	20.00
	$1,193.45

JAMES H. MCKENNEY,
Clerk of the Supreme Court of the United States.

SUPREME COURT OF ILLINOIS,

April Term, 1901.

Order Reversing and Remanding.

And afterwards, on the 17th day of April A. D., 1901, certain proceedings were had and orders entered, among which is the following, viz:

The Farmers' Loan and Trust Company. *vs.* The Lake Street Elevated Railroad Company, The American Trust and Savings Bank, as trustee, The Northern Trust Company.	Appeal form Appellate Court of Illinois, First District. Remanded by U. S. Supreme Court.

And now on this day this cause coming on to be heard on motion of the Farmers' Loan and Trust Company to reverse the judgment of the Appellate Court and decree of the Superior Court and remand this cause, and it appearing to the court that the Supreme Court of the United States did on the 26th day of March, A. D. 1900, enter an order in this canse in the words and figures following:

United States of America.

To the Honorable Judges of the Supreme Court of the State of Illinois, Greeting:

Whereas, lately in the Supreme Court of the State of Illinois, before you, or some of you, in a cause between the Farmers' Loan and Trust Company, appellant, and

the Lake Street Elevated Railroad Company, the American Trust and Savings Bank, and the Northern Trust Company, appellees, No. 4,516, wherein the judgment of the said Supreme Court, entered in said cause on the 18th day of June, A. D. 1898, is in the following words, viz.:

"And now, this day, this cause having been argued by counsel, and the court having diligently examined and inspected as well the record and proceedings aforesaid as the matters and things therein assigned for error, and being now sufficiently advised of and concerning the premises, for that it appears to the court now here that neither in the record and proceedings aforesaid, nor in the rendition of the judgment aforesaid, is there anything erroneous, vicious, or defective, and that in that record there is no error, therefore it is considered by the court that the judgment aforesaid be affirmed in all things and stand in full force and effect, notwithstanding the said matters and things therein assigned for error; and it is further considered by the court that the said appellees recover of and from the said appellant their costs by them in this behalf expended, and that they have execution therefor," as by the inspection of the transcript of the record of the said Supreme Court which was brought into the Supreme Court of the United States by virtue of a writ of error agreeably to the act of Congress, in such case made and provided, fully and at large appears.

And whereas, in the present term of October, in the year of our Lord one thousand eight hundred and ninety-nine, the said cause came on to be heard before the Supreme Court of the United States on the said transcript of record, and was argued by counsel:

On consideration whereof, it is now here ordered and

adjudged by this Court that the judgment of the said Supreme Court in this cause be, and the same is hereby, reversed with costs.

And that the said appellant, the Farmers' Loan and Trust Company, recover against the said appellees one thousand one hundred and ninety-three dollars and forty-five cents, for its costs herein expended and have execution therefor.

And it is further ordered, that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this court.

March 26, 1900.

And the same is hereby remanded to you, the said judges of the said Supreme Court of the State of Illinois, in order that such execution and further proceedings may be had in the said cause, in conformity with the judgment and decree of this court, above stated, as according to right and justice and the constitution and laws of the United States, ought to be had therein, the said writ of error notwithstanding.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, the second day of May, in the year of our Lord one thousand nine hundred.

Costs of appellant:

Clerk.....	$484 95
Printing record...	688 50
Atttorney.....	20 00
	$1,193 45

JAMES H. MCKENNEY,
Clerk of the Supreme Court of the United States.

Therefore, in obedience to said mandate and in compliance therewith, it is considered by the court that the judgment of the Appellate Court and decree of the Superior Court in this behalf rendered be reversed, annulled, set aside, and wholly for nothing esteemed, and that this cause be remanded to the Superior Court of Cook County, with directions to dismiss the bill.

And it is further considered by the court that the said appellant, Farmers' Loan and Trust Company, recover of and from the said appellees, Lake Street Elevated Railroad Company, the American Trust and Savings Bank and the Northern Trust Company its costs by it in this behalf expended, and that it have execution therefor.

MOTION OF LAKE STREET ELEVATED COMPANY TO FILE SUPPLEMENTAL TRANSCRIPT, ETC.

IN THE SUPREME COURT OF ILLINOIS.

April Term, A. D. 1901.

The Farmers' Loan and Trust Company, *Appellant*, *vs.* The Lake Street Elevated Railroad Company *et al.*, *Appellees.*	Appeal from Appellate Court, First District.

Now comes the appellee, the Lake Street Elevated Railroad Comany, by Knight & Brown and William C. Adams, its attorneys, and moves the court for leave to file a supplemental transcript of all proceedings had and documents filed in the above entitled cause in the Superior Court of Cook County, Illinois, since the 4th day of June, A. D. 1896, the date of the entry of the decree in said cause, which was affirmed by this court on the 18th day of June, A. D. 1898, excepting such matters as have been filed and entered of record in said cause, and are contained in the transcript of the record of the above entitled cause now on file in this court, being appeal bond, an order extending the time to file the certificate of evidence and the certificate of evidence, and also for leave to file a certified copy of an order entered by the Circuit Court of the United States for the Northern District of Illinois, Northern Division, in the case of *The Farmers' Loan and Trust Company* v. *The Lake Street Elevated Railroad Company et al.*, referring said cause to a

master in chancery for the sole and only purpose of determining the amount of compensation to be paid to the Farmers' Loan and Trust Company as trustee for its fees.

And for the ground of its said motion, this appellee shows to the court that the matters and things contained in said supplemental transcript are material to be considered on the hearing of the motion heretofore entered by the appellant, the Farmers' Loan and Trust Company, for a mandate to issue to the Superior Court of Cook County in accordance with the mandate of the Supreme Court of the United States, for the following reasons:

1. Because on the 24th day of June, 1898, after the certified copy of the order entered by this court affirming said decree of June 4, 1896, was filed in said Superior Court, the said Superior Court entered a supplemental decree appointing the Equitable Trust Company trustee, to fill the vacancy caused by the removal of the Farmers' Loan and Trust Company as trustee, and vesting in said The Equitable Trust Company all the rights, powers and privileges which had been vested in the Farmers' Loan and Trust Company under and by virtue of the provisions of the mortgage or deed of trust referred to in said original decree, and confirming the appointment by the American Trust and Savings Bank of said The Equitable Trust Company as trustee, under and by virtue of the terms and provisions of said mortgage or deed of trust.

2. Because the appointment of said The Equitable Trust Company as trustee was made, and said The Equitable Trust Company accepted said appointment, before any writ of error was taken by the said Farmers' Loan and Trust Company from the Supreme Court of the United States to this court, and before the said writ of

error was made a supersedeas, and before the citation was lodged in the office of the clerk of this court, and before said citation was served upon this appellee.

3. Because said supplemental decree was entered on due notice to all the parties interested and the Farmers' Loan and Trust Company, the American Trust and Savings Bank and The Northern Trust Company were present in court by their solicitors at that time.

4. Because the said decree of June 4, 1896, which was affirmed by this court was fully executed and all the conditions and provisions thereof fully performed before the writ of error from the Supreme Court of the United States to this court was taken by the said Farmers' Loan and Trust Company, and before a supersedeas was issued by said Supreme Court, and before citation was lodged in the office of the clerk of this court or service on the defendant in error.

5. Because the foreclosure suit brought by the Farmers' Loan and Trust Company to foreclose the trust deed mentioned in said decree of June 4, 1896, has been entirely disposed of with the exception of determining the amount of compensation to be paid to the Farmers' Loan and Trust Company for its fees as trustee under said mortgage.

KNIGHT & BROWN,
WILLIAM G. ADAMS,
Attorneys for The Lake Street Elevated Railroad Company, Appellee.

PETITION FOR WRIT OF ERROR.

IN THE SUPREME COURT OF THE UNITED STATES.

The Lake Street Elevated Railroad Company, *Plaintiff in Error,* *vs.* The Farmers' Loan and Trust Company, The American Trust and Savings Bank and The Northern Trust Company, *Defendants in Error.*	Writ of Error to the Supreme Court of Illinois.

To the Honorable the Justices of the Supreme Court of the United States:

And now comes the Lake Street Elevated Railroad Company, by Clarence A. Knight, its attorney, and shows to the court that in the record and proceedings in a suit lately pending in the Supreme Court of Illinois, between the Farmers' Loan and Trust Company, appellant, and the Lake Street Elevated Railroad Company, the American Trust and Savings Bank and the Northern Trust Company, appellees, and in which said cause a final judgment or order was entered on the 17th day of April, A. D. 1901, remanding said cause to the Superior Court of Cook County, Illinois, with directions to dismiss the bill of complaint, a record of which suit is now here presented, it appears that on the 26th day of March, A. D. 1900, the Supreme Court of the United States did order and adjudge that the judgment entered in said cause by the Supreme Court of Illinois on the 18th day of June, A. D. 1898, be and the same was thereby reversed with costs, and it was further ordered that the said cause be and the same

was thereby remanded to the said Supreme Court of Illinois, for further proceedings not inconsistent with the opinion of the Supreme Court of the United States. And the said Supreme Court of Illinois, on said 17th day of April, A. D. 1901, erroneously took further proceedings in said cause inconsistent with the opinion of the Supreme Court of the United States, as is more particularly set out in the assignment of errors herewith presented and hereto attached, from all of which it appears in the record and proceeding in said suit manifest error has happened, to the great damage of said the Lake Street Elevated Railroad Company.

Therefore, said the Lake Street Elevated Railroad Company prays for the allowance of a writ of error to said Supreme Court of the State of Illinois, and that upon the filing of a bond as required by law in the sum to be fixed by the court, that said writ of error may operate as a supersedeas, and for such other process as may cause said suit to be removed into the Supreme Court of the United States and any error contained in the record thereof to be there corrected.

CLARENCE A. KNIGHT,
Attorney for said Plaintiff in Error,
The Lake Street Elevated Railroad Company.

The writ of error above prayed for is hereby allowed to operate as a supersedeas upon the plaintiff in error filing a bond as required by law in the penal sum of five thousand dollars.

April 23, 1901.

H. B. BROWN,
Associate Justice Sup. Court U. S.

IN THE SUPREME COURT OF THE UNITED STATES.

The Lake Street Elevated Railroad Company, *Plaintiff in Error,* *vs.* The Farmers' Loan and Trust Company, The American Trust and Savings Bank, and The Northern Trust Company, *Defendants in Error.*	Writ of Error to the Supreme Court of Illinois.

ASSIGNMENT OF ERRORS.

Now comes the plaintiff in error, the Lake Street Elevated Railroad Company, by Clarence A. Knight, its attorney, and says that in the record and proceedings in the above entitled cause, there is manifest error in this, to wit:

I.

That said Supreme Court of Illinois erred in rendering its said judgment and order herein reversing its former judgment entered herein and remanding said cause to the Superior Court of Cook County, Illinois, in this, to-wit: That it appears in and by the record and proceedings aforesaid that the judgment of the Supreme Court of Illinois was reversed by the Supreme of the United States, and it was further ordered that the said cause be remanded to the said Supreme Court of Illinois for proceedings not inconsistent with the opinion of the Supreme Court of the United States, and in and by its said judgment and order said Supreme Conrt of Illinois erroneously ordered that the said judgment be reversed and the said cause remanded to the Superior Court of Cook County, Illinois, with directions to that court to dismiss the bill of complaint.

II.

That said Supreme Court of Illinois erred in rendering its said judgment and order herein reversing its former judgment entered herein and remanding said cause to the Superior Court of Cook County, Illinois, in this, to wit: That it appears in and by the record and proceedings aforesaid that the judgment of the Supreme Court of Illinois in the above entitled cause was reversed by the Supreme Court of the United States, and it was ordered that the cause be remanded to that court for proceedings not inconsistent with the opinion of the Supreme Court of the United States, and it appears in the record and proceedings of the above entitled cause in which said judgment of the Supreme Court of Illinois so reversed was entered, that the decree which was by the said judgment of the Supreme Court of Illinois affirmed, provided as follows:

"It is therefore ordered, adjudged and decreed by the court that the said defendant, the Farmers' Loan and Trust Company, be and it is hereby removed as trustee or co-trustee under said mortgage or deed of trust, made, executed and delivered by said complainant, the Lake Street Elevated Railroad Company, to the said defendant, the American Trust and Savings Bank, as trustee, and the said defendant, the Farmers' Loan and Trust Company, as co-trustee, which said mortgage or deed of trust is dated the 7th day of April, 1893, and was duly filed for record in the office of the recorder of deeds of the County of Cook, in the State of Illinois, on the 6th day of May, 1893, and there recorded in book 4,256 of records, at page 230, and which was afterwards and on the 11th day of May, 1893, duly filed in the office of the secretary of state of the State of Illinois, and there recorded in book 12, at page 266.

And it is further ordered, adjudged and decreed by the court that the said defendant, the Farmers' Loan and

Trust Company, and its attorneys, solicitors, officers, agents and servants, and each and every of them, be and they are hereby perpetually enjoined and restrained from taking any proceedings or bringing or prosecuting any suit or suits to foreclose said mortgage or trust deed from said complainant to said American Trust and Savings Bank and said Farmers' Loan and Trust Company, or acting in any manner whatsoever under and by virtue of the terms, provisions and conditions of said mortgage or deed of trust so made, executed and delivered by the said complainant, the Lake Street Elevated Railroad Company, to the said defendant, the American Trust and Savings Bank, as trustee, and the said defendant, the Farmers' Loan and Trust Company, as co-trustee.

And it is further ordered, adjudged and decreed that the said defendant, the American Trust and Savings Bank, as trustee under the said mortgage or deed of trust so made, executed and delivered by the said complainant, the Lake Street Elevated Railroad Company, to the said defendant, the American Trust and Savings Bank, as trustee, and the said defendant, the Farmers' Loan and Trust Company, as co-trustee, do, and it is hereby ordered and directed to appoint, by an instrument in writing, within thirty days from the date of the entry hereof, a co-trustee, under the said mortgage or deed of trust, so made, executed and delivered by the said complainant, as aforesaid, in place of the said defendant, the Farmers' Loan and Trust Company, and that upon such successor being so appointed by the said defendant, the American Trust and Savings Bank, as aforesaid, such successor shall, upon accepting said appointment as aforesaid, under said mortgage or deed of trust, be and become vested with all the property rights, duties and trusts of a trustee under said trust deed, with the like effect as if named as trustee therein, and shall likewise be vested with all right, title and interest of said Farmers' Loan and Trust Company under said trust deed, and that the said the Farmers' Loan and Trust Company, on the written request of the said new trustee so appointed, shall immediately execute an instrument of transfer to vest in such new trustee upon the trusts in said trust deed expressed, all the property, privileges and

rights thereunder of the said the Farmers' Loan and Trust Company, and that said the Farmers' Loan and Trust Company shall duly assign, transfer and deliver to such new trustee so appointed any moneys held under and by virtue of such trust deed, for the further security of the bondholders, and that in case of the failure upon the part of said the Farmers' Loan and Trust Company to make, execute and deliver the instrument as aforesaid, that A. F. Stevenson, master in chancery of this court, is authorized and directed to make, execute and deliver on behalf of said the Farmers' Loan and Trust Company the instrument required by it to be made and delivered as aforesaid, and that such instrument or instruments when so made, executed and delivered by such master in chancery as aforesaid, shall have the same force and effect as though made, executed and delivered by the said defendant, the Farmers' Loan and Trust Company.

It is further ordered, adjudged and decreed that upon the failure of the said The American Trust and Savings Bank to make the appointment as aforesaid, within thirty days, that the court hereby reserves the power, right and authority to appoint a co-trustee as successor to said The Farmers' Loan and Trust Company under said trust deed, and for the purposes afore-said and for all other purposes deemed by this court necessary and proper to enforce this decree and all the provisions thereof, this court expressly reserves unto itself jurisdiction of the cause, and jurisdiction of all parties thereto and hereto."

And that the Supreme Court of the United States did not reverse said decree except in so far as it enjoined and restrained the Farmers' Loan and Trust Company and its attorneys, solicitors, officers, agents and servants, and each and every of them, from prosecuting a certain suit to foreclose said mortgage or trust deed from said the Lake Street Elevated Railroad Company to said the American Trust and Savings Bank and said the Farmers' Loan and Trust Company, then pending in the Circuit Court of the United States, in and for the Northern District, Northern Division, of the State of Illinois, and

that in and by its said judgment or order remanding said cause to the Superior Court of Cook County, Illinois, under the mandate of the Supreme Court of the United States, the said Supreme Court of Illinois erroneously remanded said cause to the Superior Court of Cook County, Illinois, with directions to dismiss the bill of complaint.

III.

That said Supreme Court of Illinois erred in not holding that the Supreme Court of the United States reversed the said judgment of the Supreme Court of Illinois affirming the decree of the Superior Court of Cook County, Illinois, only insofar as the said decree enjoined the Farmers' Loan and Trust Company, its attorneys, solicitors, officers, agents and servants, and each of them, from prosecuting a certain suit to foreclose said mortgage or trust deed from said the Lake Street Elevated Railroad Company to said the American Trust and Savings Bank and said the Farmers' Loan and Trust Company, then pending in the Circuit Court of the United States in and for the Northern District and Northern Division of the State of Illinois, and in not holding that the said judgment of the Supreme Court of Illinois, affirming the decree of the Superior Court of Cook County, Illinois, was affirmed by the Supreme Court of the United States, in all other respects.

IV.

That said Supreme Court of Illinois erred in not remanding said cause to the Superior Court of Cook County, Illinois, with directions to set aside only that part of said

decree enjoining and restraining the Farmers' Loan and Trust Company, and its attorneys, solicitors, officers, agents and servants, and each and every of them, from taking any further proceedings or prosecuting a suit or suits to foreclose said mortgage or trust deed from said the Lake Street Elevated Railroad Company to said the American Trust and Savings Bank and said the Farmers' Loan and Trust Company, then pending in the Circuit Court of the United States in and for the Northern District and Northern Division of the State of Illinois.

V.

That said Supreme Court of Illinois, in issuing its said mandate on April 17, 1901, in the following words, to wit: Therefore, in obedience to said mandate and in compliance therewith, it is considered by the court that the judgment of the Appellate Court and the decree of the Superior Court in this behalf rendered be reversed, annulled, set aside, and wholly for nothing esteemed, and that this cause be remanded to the Superior Court of Cook County with directions to dismiss the bill," refused and did not follow the opinion of the Supreme Court of the United States rendered in the above entitled cause.

VI.

That the Supreme Court of Illinois erred in rendering its said judgment and order herein in the following words, to wit: "Therefore in obedience to said mandate and in compliance therewith, it is considered by the court that the judgment of the Appellate Court and decree of the Superior Court in this behalf rendered, be reversed,

annulled, set aside, and wholly for nothing esteemed, and that this cause be remanded to the Superior Court of Cook County with directions to dismiss the bill."

VII.

That the Supreme Court of Illinois, in rendering its said judgment and in issuing its said order or mandate to the Superior Court of Cook County, Illinois, on said April 17, 1901, did not conform to, and its said mandate and order is inconsistent with, the said opinion of the Supreme Court of the United States in said cause.

VIII.

That the Supreme Court of Illinois was in duty bound to issue to the said Appellate Court of Illinois and the said Superior Court of Cook County, Illinois, its mandate directing that so much of said decree of the Superior Court of Cook County, Illinois, entered on the 4th day of June, 1896, as enjoined the further prosecution of said suit to foreclose said mortgage or trust deed from said the Lake Street Elevated Railroad Company to said the American Trust and Savings Bank, and said the Farmers' Loan and Trust Company, pending in the Circuit Court of the United States in and for the Northern District and Northern Division of the State of Illinois, should be stricken therefrom and set aside, and that in all other respects said decree should remain in full force and effect.

IX.

The Supreme Court of Illinois erred in rendering its said judgment and order in this, to wit: That it appears in and by the record and proceedings aforesaid that the judgment of the Supreme Court of Illinois entered in the above entitled cause was reversed by the Supreme Court of the United States, and it was further ordered by the said Supreme Court of the United States that the said cause be remanded to said Supreme Court of Illinois for proceedings not inconsistent with the opinion of the Supreme Court of the United States rendered in the above entitled cause, and that it also appears in and by the record and proceedings aforesaid that after the judgment of the Supreme Court of Illinois was rendered, and before the writ of error was prosecuted by the Farmers' Loan and Trust Company in said cause, and allowed by the Supreme Court of the United States to said Supreme Court of Illinois, the mandate of the said Supreme Court of Illinois was duly filed, in accordance with the statutes of the State of Illinois in such case made and provided, and the said Superior Court of Cook County, Illinois, entered a supplemental decree, ordering, adjudging and decreeing that the Equitable Trust Company be, and it was thereby vested with all the property, rights, duties and trusts of a trustee under said trust deed, with like effect as if named as trustee therein, and said the Equitable Trust Company was thereby vested with all right, title and interest of said the Farmers' Loan and Trust Company under said trust deed, and in and by its said judgment and order the said Supreme Court of Illinois erroneously ordered that the said cause be remanded to

the Superior Court of Cook County, Illinois, with directions to dismiss the bill of complaint.

Wherefore, the said plaintiff in error, the Lake Street Elevated Railroad Company, prays that the judgment and order of the said Supreme Court of Illinois, reversing the judgment of the Appellate Court of Illinois and the decree of the Superior Court of Cook County, Illinois, and remanding said cause to the Superior Court of Cook County, Illinois, with directions to dismiss the bill of complaint, be reversed.

CLARENCE A. KNIGHT,
Attorney for said Plaintiff in Error.